THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.559 OF 2004

DATE: 13.12.2007

Between :

1. N.Narsing Rao and 5 others. …. Petitioners

And

1. The Joint Collector, Rangareddy District, Lakdikapul, Hyderabad., and 5 others.… Respondents

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WRIT PETITION NO.559 OF 2004

ORDER :

The petitioners herein claim to be the legal heirs of one Nakka Mallaiah who was the protected tenant in respect of Ac.6-18 guntas of land situated in Sy.Nos.643, 647, 648, 659 and 660 of Malkajgiri Village and Mandal, Rangareddy District.

It is stated that after the death of original protected tenant, the petitioners herein made an application before the Inams Tribunal-cum-Revenue Divisional Officer, Chevella Division in Form-I for grant of occupancy right certificate under Section 7 of the A.P. (T.A.) Abolition of Inams Act, 1955 (for short, 'the Act'). However, the claim of the petitioners was not accepted by the Tribunal and by order dated 13.11.2003 it was held that Dargah Sajjat Hazrat Mir Mahmood Shah, being in possession, was entitled for the occupancy right certificate. Aggrieved by the said order, the petitioners preferred an appeal before the 1st respondent under Section 24 (1) of the Act. Strangely, the 1st respondent by order dated 27.12.2003 dismissed the appeal at the initial stage itself without going into merits of the case. The said order is under challenge in this writ petition.

I have heard the learned counsel for both the parties.

It is not in dispute that as against the order made on an application under Section 7 of the Act, an appeal lies under Section 24 of the Act. It is also not in dispute that the 1st respondent is the competent authority to entertain and decide the appeal following due process of law. A copy of the memorandum of grounds in the appeal

placed before this court shows that the petitioners herein have assailed the order passed by the Tribunal on various grounds which require due consideration after notice to the respondents. However, the 1st respondent failed to conduct any enquiry and the appeal was dismissed without even assigning any reasons. The law is well settled that the quasi judicial authority is bound to record reasons for its decision so as to satisfy the principles of fair play and reasonableness and absence of such reasons is a ground for judicial review under Article 226 of the Constitution of India. Hence, I am of the opinion that the impugned order which is devoid of any reasons is liable to be set aside on that ground alone.

Accordingly, without expressing any opinion on merits, the impugned order is hereby set aside and the Writ Petition is disposed of with a direction to the 1st respondent to entertain the appeal and dispose of the same in accordance with law after hearing both the parties. It is also made clear that both the parties are at liberty to place before the 1st respondent all the relevant documents to substantiate their respective claims. Having regard to the fact that the dispute is pending for the past several years, the 1st respondent is directed to dispose of the appeal as expeditiously as possible preferably within a period of 3 months from the date of receipt of this order. No costs.

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G. ROHINI, J.

Dt. 13-12-2007

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